IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.291 OF 2005
IN
CIVIL APPLICATION NO.448 OF 2004
IN
LETTERS PATENT APPEAL STAMP NO.26188 OF 2004

Maharashtra Jeevan Pradhikaran .. Applicant
V/s
Mrs.Nirmalaben S.Patel (Since deceased)
Shri.Ashwin S.Patel & Ors. .. Respondents

Ms.Sangita Bidkar h/f Mrs.Neeta Karnik for the Applicant.

CORAM: DR.S.RADHAKRISHNAN &
V.K.TAHILRAMANI, JJ.

DATE : 14.12.2005.

P.C.:

1. Rule. Rule is made returnable forthwith. Heard the learned Counsel for the Applicant. None appears for the Respondents though served. The affidavit of service is taken on record. By this Civil Application Applicant is seeking to recall the order dated 4th April, 2005 whereby the Civil Application No.448 of 2004 was dismissed in default. Perused the Civil Application. For the reasons stated therein sufficient cause is made out for recalling the order dated 4th April, 2005. There is no case of inaction, negligence or want of bonafide on the part of the Applicant. Hence, Civil Application is made absolute in terms of prayer clause (a).

(DR.S.RADHAKRISHNAN, J.)

(SMT.V.K.TAHILRAMANI,J.)